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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/932,459

08/20/2001

Seung June Yi

HI-035A

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7590

09/21/2006

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EXAMINER

PHAN, TRI H

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/932,459	Applicant(s) YI ET AL.	
	Examiner Tri H. Phan	Art Unit 2616	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE


8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's response filed on August 18, 2006 to the final rejection dated May 8, 2006, has been considered, but it is deemed to place the application in condition for allowance, since the limitations argued by applicant are not found to be persuasive. The ETSI TS 125 322v.3.1.2 (2000-01) (hereinafter referred to as "TS 125 322") page 23, section 9.2.2.8 Length Indicators 'LI', page 39, section 11.2.2.1 UMD PDU contents to set, page 41, section 11.3.2.1 AMD PDU contents to set, and page 41, section 11.3.2.1.2 Segmentation of a SDU, points out the claimed limitations of the subject matter which applicant regards as the invention, wherein the LI field(s) is used to point the borders between SDU's in the PU, e.g. shall be included, and the next LI ("second length indicator") shall be placed as the first LI in the next PU and has value of '0' or '111 1111 1111 1011' to indicate the end of the last segment of an SDU exactly ended or one octet short at the end of the last PDU, when there is no room for the LI in the last PDU ("first length indicator"). Examples (figures 4 and 5) in the Background of the Related Art of the specification also provide the "second length indicator" in the next PDU(B) to indicate the end of the last segment of the SDU, which correctly matches the end of the previous PDU, and when the LI ("first indicator length") to indicate the end of the last segment of the SDU can not inputted in the previous PDU (see figures 4 and 5 in the Background of the Related Art of the specification). The TS 125 322 does not explicitly disclose words such as "detecting", "checking", "inserting" as "steps of" or "means for"; however, in order to insert the LI into the next PDU when there is no room in the last PDU, it is obvious that the UM/AM entity has to "detect" or "check" for enough room to "insert" the LI into the last or next PDU as specified in section 11.3.2.1. Thus, examiner concludes that the reference TS 125 322 reads upon the applicant's argued features.

Continuation of 13. Other: Claims 11, 30-39,41-52, and 54-55 stand rejected as set forth in the final rejection dated May 8, 2006.


CHI PHAM
SUPERVISORY PATENT EXAMINER 9/13/06